

YOUTH SERVICES POLICY

Title: Sex Offender Notification and Registration Requirements Next Annual Review Date: 12/21/2012	Type: B. Classification, Sentencing and Service Functions Sub Type: 2. Classification Number: B.2.17
Page 1 of 9	
References: La. R.S. 14:42, 15:540 through 549, 15: 561 through 561.7, 15:571.5 and C.Cr.P. Art/ 895(H), (I). (J) and (K), Ch.C.art. 884.1; La. Children's Code Arts. 1624 through 1645, and Ch.Code Article 116(24.2); Section 501(c)(3) of the Internal Revenue Code; YS Policy D.10.22 "Interstate Compact for Juveniles (ICJ)"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 12/21/2011

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish policy for juvenile sex offender pre-registration and registration; for the notification to juvenile sex offenders of the requirements of the duty to register; and make proper notifications pursuant to statute and emergency shelter provisions.

III. APPLICABILITY:

All employees and units of Youth Services (YS).

IV. POLICY:

It is the Deputy Secretary's policy that YS staff shall identify juvenile sex offenders who are required to register pursuant to the provisions of La. R.S. 15:542 and further, to ensure that all notification and pre-registration responsibilities are met pursuant to law.

V. DEFINITIONS:

Accessory after the Fact - Any youth who, after the commission of one of the listed aggravated sex offenses, harbors, conceals, or aids the principal youth, knowing or having reasonable ground to believe that he has committed an enumerated aggravated sex offense, with the intent that the youth may avoid or escape from arrest, hearing, adjudication, or confinement.

Aggravated Offense - For purposes of this policy, a juvenile adjudication for the perpetration or attempted perpetration of, or conspiracy to commit one of the following crimes: aggravated rape, forcible rape, second degree sexual battery, aggravated kidnapping of a child under the age of 13, second degree kidnapping of a child under the age of 13, aggravated incest involving circumstances defined as an "aggravated offense", and aggravated crime against nature as provided in La. R.S 15:542 (A) (2).

Bureau - The Bureau of Criminal Identification and Information within the Office of State Police.

Emergency Shelter - Any facility, building, or structure operated by a nonprofit, tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, which provides the basic necessities of life, including but not limited to water, food, and shelter, to persons who are displaced from their homes due to a man-made or natural emergency or disaster.

Home Pass - The authorized unescorted temporary release of a youth from a non-secure facility.

Interstate Compact (ICJ) - Compact developed between 2000 and 2002 and enacted by at least 35 states from 2003 through 2008 that regulates the interstate movement and supervision of juveniles under community supervision.

Juvenile - For purposes of this policy any juvenile who has been adjudicated of a sex offense as defined in La. R.S. 15:542, who has attained the age of 14 years at the time of commission of the offense and who has been adjudicated delinquent after January 01, 2008 for an offense which requires the person to register as a sex offender.

Juvenile Notification - Juveniles required to register in accordance with the provisions of R.S.15:542 are exempt from any notification requirements except for the notification required when providing recreational instruction to persons under the age of 17 as required by La. R.S 15:542.1(B)(1).

Mandatory Registration - Requirement to register that a court cannot waive or suspend.

Non-Secure Facility - A non-state operated residential facility that houses OJJ youth.

Out-of-State Offender - For purposes of this policy a juvenile adjudicated by a court, other than a court of this state, for an offense having elements equivalent to a sex offense listed in La.R.S. 15:542A(3) which requires registration as a sex offender.

Principals - All persons concerned in the commission of a crime, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the crime.

Recreational Instruction - Any instruction or lessons of non-educational activities, including but not limited to martial arts, dancing, theater and music.

Registration - For purposes of this policy, registration occurs when a juvenile required by R.S. 15:542 to register, provides information such as name, aliases, addresses, and employment to law enforcement.

Secure Care Center for Youth - A living environment characterized by a range of moderate to high security level facilities that include construction, fixtures and staff supervision designed to restrict the movements and activities of the residents, and to control, on a 24-hour basis, the ability of the residents to enter and leave the premises, and which are intended for the treatment and rehabilitation of children who have been adjudicated delinquent. [Ch.Code Article 116(24.2)]

VI. REGISTRATION REQUIREMENTS UNDER THE PROVISIONS OF L.a. R.S. 15:542:

Any juvenile who has pled guilty or has been adjudicated of a sex offense or second degree kidnapping as provided for in Children's Code Article 305 or 857, with the exception of simple rape but including any conviction for an offense under the laws of another state or military, territorial, foreign, tribal or federal law which is equivalent to the offenses listed herein for which a juvenile would have to register; and who has attained the age of fourteen years at the time of commission of the offense, who has been adjudicated delinquent, after January 01, 2008, based upon the perpetration, attempted perpetration, or conspiracy to commit any of the following offenses:

A. Offenses Requiring Registration:

1. Aggravated rape (R.S. 14:42), which shall include those that have been adjudicated delinquent based upon the perpetration, attempted perpetration or conspiracy to commit aggravated oral sexual battery.
2. Forcible rape (R.S. 14:42.1).
3. Second degree sexual battery (R.S. 14:43.2).
4. Aggravated kidnapping of a child who has not attained the age of thirteen years (R.S. 14:44).
5. Second degree kidnapping of a child who has not attained the age of thirteen years (R.S. 14:44.1).
6. Aggravated incest involving circumstances defined as an "aggravated offense" which includes sexual intercourse, oral sexual battery, or 2nd degree sexual battery (R.S. 14:78.1).
7. Aggravated crime against nature (R.S. 14:89.1).
8. An offense under the laws of another state or military, territorial, foreign, tribal or federal law which is equivalent to the offenses listed in 1 through 7 above. Subparagraphs (a) through (g) of this Paragraph.

- B. A juvenile who is adjudicated as a principal or who receives a Deferred Disposition Agreement for one of the offenses listed in A above will be required to register.
- C. A juvenile who is adjudicated as an accessory after the fact or who receives an Informal Adjustment Agreement for any of the offenses listed in A above will not be required to register.

VII. PRE-REGISTRATION:

Prior to the release of a youth from the physical custody of OJJ, staff designated by the Facility Director to pre-register sex offenders shall do the following:

A. Secure Care Facilities:

1. Notification to the youth

When a youth is being processed for release from confinement, facility staff shall inform the youth of the following:

- a. His duty to register as a youth sex offender according to state statute. La. R.S. 15:542, 15:542.1, 15:544, and 15:560.3.
- b. The requirement that registration is only deemed complete upon the in-person verification by the youth with the appropriate law enforcement agency(s) where he lives, is employed and attends school within three (3) business days of release. Additionally, he must register in the parish of conviction at the time of the initial registration.
- c. His duty to register with the campus law enforcement agency at least one day prior to the beginning of the school term or semester if he is a student at an institution of postsecondary education.
- d. His duty to notify the public of his/her status as a sex offender if he provides recreational instruction to youth under 17 years of age.
- e. His duty to acquire a special state issued identification card from the Office of Motor Vehicles which contains the sex offender designation.
- f. His responsibility to notify an emergency shelter of his presence within 24 hours of his arrival at the shelter.

The youth shall receive a copy of the statutory requirements and will be required to acknowledge receipt by his signature that he received a copy of the statutory requirements, and that the registration and notification requirements have been explained [see Attachment B.2.17(a)]. A signed copy of the statutory notification of his duty to register shall be retained in the youth's Master Record under clip VIII, along with the pre-registration packet.

2. Facility Pre-Registration: Within 15 days of his release the secure care facility where the youth is housed shall:
 - a. Complete the pre-registration form [see Attachment B.2.17(b)].
 - b. Obtain a digital color photograph of the youth.
 - c. Send all pre-registration material and picture to Legal Services by electronic mail immediately upon completion utilizing the email option "Request a Read Receipt".
 - d. Ensure the youth's original fingerprint card and copies of the completed registration form and Acknowledgement form signed by the youth are in the youth's Master Record under Clip VIII.
3. Early Release: Facility staff shall notify Legal Services of the possibility of the early release of juvenile sex offenders. If facility staff is scheduled to appear in court and there are indications that the court may release the youth prior to his full term date, the pre-registration and notification forms, the digital photo, and a copy of the fingerprint card (if one is not in the youth's file) should be brought to court. If the youth is released by the court, the youth must fill out the necessary pre-registration forms required by law and be notified of his duty to register, and all other requirements pertaining to his registration as a sex offender. As soon as possible after the release, facility staff must email the pre-registration packet to one of the email addresses provided in _____ or if email is not available, the packet can be faxed to Legal Services at 225-287-7901.

The juvenile cannot be released without the notification to Legal Services and completion of the pre-registration packet.

4. Post release: If a youth needs assistance with registration once he is released, Probation and Parole/Juvenile (PPO/J) staff should provide support to ensure the registration process is completed.

B. Central Office Pre-Registration

Legal staff shall review all pre-registration packets completed at the secure care facilities. Once Legal Services staff confirms that all the required information is included in the pre-registration packet sent by the secure care facility, Legal Services will upload the relevant information to the Offender Watch Computer Program to complete the pre-registration procedure required by law.

C. Modification to Non-Secure Custody

If a youth is modified to non-secure custody, the procedures outlined in A.3 above shall be followed. Additionally, PPO/J staff must ensure the youth registers in the parish where the non-secure facility is located within three (3) business days of arrival at the facility.

VIII. FURLOUGH OF SECURE CARE YOUTH:

Once a furlough has been granted by the Deputy Secretary, Central Office staff responsible for processing furloughs shall notify Legal Services of the furlough. Upon approval by the district attorney or a decision by the youth's judge(s), and no later than 48 hours prior to the furlough, Legal Services shall be notified that the scheduled furlough will be taking place. Legal Services shall enter the information into the Offender Watch Information Program. If a Family Emergency Furlough is granted, the Regional Office shall inform Legal Services of the impending furlough as soon as possible. Once notified Legal Services shall enter the information into the Offender Watch Information Program as soon as possible and prior to the release of the youth on furlough, if possible.

IX. NON-SECURE PLACEMENT:

A. Registration

It is the responsibility of the youth's PPO/J to take the youth to the appropriate law enforcement agency if a youth placed in a non-secure facility has not previously registered. Additionally, upon arrival at a non-secure facility or subsequent transfers to another non-secure facility, the PPO/J shall ensure the youth is registered with the sheriff and / or police department of the new placement.

B. Duty to Inform, Update and Penalties for Non-Compliance

If the youth has not been informed by the court of his duty to register, update information, and the penalties for non-compliance, the PPO/J shall provide the information as provided under VII.A.1.

C. Home Pass of Non-Secure Youth

1. Responsibility of non-secure facility: At least five (5) days prior to the beginning of the home pass, the non-secure facility shall notify the Regional Office.
2. Responsibility of Regional Office: The Regional Office shall notify Legal Services at least 72 hours prior to the beginning of the home pass.
3. Responsibility of Legal Services: Legal Services shall enter the information into the Offender Watch information System. If an emergency home pass is granted, the information shall be entered into the Offender Watch Information System as soon as possible, but must be completed prior to release of the youth on the home pass.

X. YOUTH UNDER SUPERVISION:

Youth who are placed on probation by the court are responsible for appearing before the appropriate law enforcement agencies and completing the registration process. If a probationer has not already done so the PPO/J should advise the youth of his obligations under law and assist him in completing the registration process.

XI. LIMITED COMMUNITY NOTIFICATION BY THE JUVENILE:

Youth are not required to notify the public of their sex offender status with the following exception:

- A. Any youth who provides recreational instruction to persons under the age of 17 years shall post a notice in the building or facility where such instruction is being given. This notice shall contain the name and photograph of the youth, the date and jurisdiction of conviction, and the crime for which he was convicted. Such notification shall be prominently displayed and shall be of sufficient size to alert persons entering such building or facility that the recreational instructor is a convicted sex offender.
- B. For the purposes of A. above, "recreational instruction" refers to instruction or lessons on non-educational activities, including but not limited to martial arts, dancing, theater, and music.

XII. INTERSTATE COMPACT ON JUVENILES (ICJ):

A. Transfer of Sex Offenders

In accordance with ICJ 3.6.6, a sex offender's supervision may be transferred to another state, which is obligated upon acceptance to supervise the youth under the same standards it applies to in-state sex offenders. Among the key requirements are the following:

1. The sending state shall not allow a youth who has been adjudicated of a sex related offense to transfer to the receiving state until the sending state's request to transfer supervision has been approved or the receiving state has issued reporting instructions.
2. In conducting home evaluations for juvenile sex offenders, the receiving state shall ensure compliance with local policies or laws to issuing reporting instructions. If the proposed placement is unsuitable, the receiving state may deny acceptance.
3. A juvenile sex offender from the sending state who must register as a sex offender in Louisiana, must abide by Louisiana's sex offender registration laws, including sex offender registration requirements, notifications, and DNA testing. A juvenile sex offender who fails to register is subject to the laws of the receiving state.
4. The receiving state shall receive a travel permit at least 48 hours prior to the juvenile sex offender's departure from the sending state with the exception of emergency circumstances.
5. A travel permit shall not be granted by the sending state until reporting instructions are issued by the receiving state.

Upon receiving a youth into Louisiana the PPO/J shall ensure the youth is registered with the appropriate law enforcement agencies.

B. Victim Notification

In accordance with ICJ 3.7, compliance with victim notification requirements are the responsibility of the sending state in accordance with the laws and policies of that state.

C. Closing A Case Under ICJ

In accordance with ICJ 3.8, only a sending state has the authority to terminate jurisdiction over a juvenile under supervision in another state. Jurisdiction over a case remains with the state court where the charges forming the basis for supervision were prosecuted.

XIII. EMERGENCY SHELTER La. R.S. 15:543.2:

- A. During a declared emergency, within 24 hours of entering an emergency shelter, a youth shall notify the facility management, chief of police of the municipality, and/or sheriff of his sex offender status. The youth must provide: full name, date of birth, social security number, and last address of registration.
- B. YS shall provide information of above protocol to every youth whether in custody or under its supervision.
- C. Each Regional Office shall contact juveniles under its supervision by April of each year to provide them with the toll-free number to call in the event of a declared emergency.
- D. Youth Services shall disseminate information to each sex offender of his obligation to notify management of emergency shelter of sex offender status and his obligation to report to his PPO/J.
- E. Failure to comply could constitute a violation of condition of Probation and Parole and subject to the youth revocation.

Previous Regulation/Policy Number: N/A
Previous Effective Date: N/A
Attachments/References: